1 2 3 4 5 6 7 8		DISTRICT COURT	
9	FOR THE NORTHERN DI	STRICT OF CALIFORNIA	
10	AT SAI	N JOSE	
11	TRI-COUNTIES WELFARE TRUST FUND,	Case No. CV-07-5941 JW	
12	Plaintiff,	DECLARATION OF TEAGUE P. PATERSON IN SUPPORT OF	
13	v.	PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT BY CLERK	
14	KELVIN HILDEBRAND, INC., HILDEBRAND & SONS TRUCKING, INC.,	Of BEINGER BY CEEKIN	
15	WEST COAST DRAYAGE, HILDEBRAND BROTHERS TRUCKING, MORYA GULARTE		
16	TRUCKING, d/b/a MG TRUCKING, and KELVIN HILDEBRAND,		
17	Defendant.		
18			
19	I, TEAGUE P. PATERSON, declare as foll	ows:	
20	1. I am an attorney in the law firm of I	Beeson, Tayer & Bodine, attorneys of record for	
21	the Plaintiff in the above-captioned action.		
22	2. On or about December 6, 2007, the	Summons, Complaint, and accompanying court	
23	documents were served on Defendant Kelvin Hildebrand by substituted service by leaving copies of		
24	the documents at the Defendant's place of business	with Don Lambert, a person apparently in charge	
25	and over 18 years of age, who was informed of the	contents therein. On or about December 7, 2007.	
26	copies of the same documents were mailed, by firs		
27	-	·	
28	were left. A true and correct copy of the Proof of S	service is attached hereto.	
	DECLARATION OF TEAGUE P. PATERSON IN SUPP	ORT OF 80791.d	

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	

28

- 3. More than twenty (20) days have elapsed since service was deemed complete upon Defendant.
- 4. Defendant has failed to Answer or otherwise plead in response to Plaintiff's Complaint or to serve a copy of an Answer or pleading upon Plaintiff or me.
- 5. This Declaration is executed in accordance with Rule 55(a) of the Federal Rules of Civil Procedure for the purpose of enabling Plaintiff to obtain an entry of default against Defendant Kelvin Hildebrand for Defendant's failure to Answer or otherwise defend as to Plaintiff's Complaint.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and of my knowledge, except as to those matters stated herein on information and belief, and as to those matters I believe them to be true. Executed this 9th day of April, 2008 in Oakland, California.

/s/Teague P. Paterson
TEAGUE P. PATERSON

2

## PROOF OF SERVICE

## UNITED STATES DISTRICT COURT CASE NO. CV-07-5941 JW

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is On this day, I served the foregoing Document(s):

## DECLARATION OF TEAGUE P. PATERSON IN SUPPORT OF PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT BY CLERK

6				
7	By Mail to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated are for outgoing mail addressed as set forth below. At Bassan, Toyon & Bading, mail placed in that			
8	for outgoing mail, addressed as set forth below. At Beeson, Tayer & Bodine, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordicourse of business in a United States mailbox in the City of Oakland, California:	tage and is deposited that same day, in the ordinary		
9	course of business in a cinical states manoon in the city of bundana, cumofina.			
10	Kelvin Hildebrand, President KELVIN HILDEBRAND, INC. 6 Lewis Road  Dorothea M. Hildebrand, President HILDEBRAND & SONS TRUCKING, INC 6 Lewis Road			
11	Watsonville, CA 95076 Watsonville, CA 95076			
12	Kathleen Espinoza, Office Manager KELVIN HILDEBRAND			
13	HILDEBRAND BROTHERS TRUCKING 635 San Juan Pass Road Watsonville, CA 95076			
14	Corralitos, CA 95076			
15	Diane Hildebrand, Owner WEST COAST DRAYAGE			
16 17	P.O. Box 400 Watsonville, CA 95077			
18	By Personal Delivering a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.			
19	By Overnight Delivery to the parties in said action, as addressed below, in accordance			
20	with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.			
21				
22	By Facsimile Transmission to the parties in said action, as addressed below, in accordance	ance		
23	with Code of Civil Procedure §1013(e).			
24	I declare that the foregoing is true and correct. Executed in Oakland, California, on this d	ate,		
25	April 9, 2008.			
26	/a/Tamus Catt			

/s/Tanya Gatt

Tanya Gatt

27

28

1

2

3

4

5